



**EXECUTIVE ORDER NO. 18
E-MAIL RETENTION AND ARCHIVING POLICY**

WHEREAS, the North Carolina Public Records Law declares that the public records and information compiled by the agencies of North Carolina government are the property of the people; and

WHEREAS, all e-mail messages sent and received in the transaction of state business are public records; and

WHEREAS, a transparent government and the citizens' right to access public records are of paramount importance; and

WHEREAS, Governor Easley issued Executive Order Number 150, entitled E-mail Retention and Archiving, on January 9, 2009; and

WHEREAS, I have reviewed Executive Order Number 150 and determined that some of the provisions in the aforementioned order should be clarified.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED THAT:**

RESCISSION

1. Executive Order Number 150, dated January 9, 2009, is hereby rescinded.

EMPLOYEE RESPONSIBILITIES

2. Executive Branch employees shall treat all e-mail messages which they send or receive via state government e-mail accounts as public records and shall handle and maintain them in compliance with the Public Records Law and records retention schedules in the same manner as paper documents or other tangible records.

3. Employees have no expectation of privacy in their electronic correspondence, and all employees shall assume that information on the State's e-mail system is subject to public review and to review by state officials.
4. All outgoing e-mails sent from Executive Branch State e-mail accounts shall include language notifying the recipient(s) that the message is subject to the Public Records Law and may be disclosed to third parties.
5. Executive Branch employees shall not permanently delete any e-mail messages that they **send** for at least 24 hours, and shall not permanently delete any e-mail messages they **receive** for at least 24 hours except that they may immediately and permanently delete any e-mail messages they **receive** that are not clearly related to the transaction of State business, such as e-mails containing advertising materials or offensive materials. After 24 hours, Executive Branch employees shall retain or delete e-mails they have sent or received according to the retention schedules for their agency established by the Department of Cultural Resources.
6. Executive Branch employees who conduct State business via personal e-mail accounts shall ensure that all public records are retained in accordance with this Executive Order and are retained pursuant to the Public Records Law and applicable record retention schedules.
7. Executive Branch employees shall not use State e-mail accounts for political purposes, to conduct private commercial transactions or to engage in private business activities. Executive Branch employees may use State e-mail for limited family or personal communications so long as those communications do not interfere with their work.

AGENCY RESPONSIBILITIES

8. All Executive Branch agencies shall copy all e-mails sent and received by their employees on backup tapes at least once daily. The Office of Information Technology Services (ITS) will provide this backup service to all agencies for which it provides e-mail services. Each Executive Branch agency that does not use ITS e-mail services shall employ a back-up system that creates a back-up copy of the messages in all e-mail systems of the agency at least once daily. All backup tapes created after the issuance of Executive Order 150 and prior to the implementation of a single e-mail archive system will be maintained for 10 years. After implementation of an e-mail archive system, backup tapes will be maintained for such period as ITS may establish.
9. ITS will procure an e-mail archive system as soon as practicable and provide that system to all agencies for which it provides e-mail services. ITS will make this archive system available to other Executive Branch agencies as soon as practicable. E-mails shall be retained in this system for 10 years. ITS will consult with the North Carolina Department of Cultural Resources (DCR) to identify e-mails that should be preserved beyond 10 years.

10. DCR shall provide Executive Branch employees with mandatory online training for managing e-mail as public records.
11. DCR shall conduct random audits of State agencies in the Executive Branch to ensure that employees are in compliance with the records retention and disposition schedules.
12. Executive Branch agencies not subject to this Order, the Legislative Branch and the Judicial Branch, are encouraged and invited to participate in this Executive Order.

DURATION

13. This Executive Order shall be effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the seventh day of July in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-fourth.



Beverly Eaves Perdue
Governor

ATTEST:

Elaine F. Marshall
Secretary of State